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09/470,982	12/23/1999	DAE-HYUK SHIM	DR-001	6849

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EXAMINER

NGUYEN, PHUONGCHAU BA

ART UNIT PAPER NUMBER

2665

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/470,982

Applicant(s)

SHIM, DAE-HYUK

Examiner

Phuongchau Ba Nguyen

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-29 is/are allowed.
- 6) ☒ Claim(s) 1,11,12,21,30 and 32 is/are rejected.
- 7) ☒ Claim(s) 2-10,13-20,31 and 33-36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 11, 21 are rejected under 35 U.S.C. 102(e) as being anticipated by

Chopping (6,442,163)

Regarding claim 11:

Chopping (6,442,163) discloses an apparatus (cell frame aligner) for checking a loss of frame, comprising;

a first circuit (frame alignment signal detector, fig.2) that detects a frame alignment signal in a framed data of a digital hierarchy signal {col.2, lines 27-32}; and

Art Unit: 2665

a second circuit (aligner) that checks whether the framed data is normal, and provides a releasing state (so that to whether fill-in the missing cell or not; col.2, lines 18-22) according to a checking result, wherein the framed data is reframed data {col.2, lines 18-22 wherein the fill-in cell}.

Regarding claim 21:

Chopping further discloses a third circuit that outputs a state indication signal (loss of frame alignment signal; fig.2).

Claim Rejections – 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keller (5,671,227) in view of Hernandez-Valencia (6,266,327).

Regarding claims 1, 30 :

Keller (5,671,227) discloses a reframer (fig.3), comprising a first circuit (first detection circuit 1, fig.3) that detects a frame start point of input data based on a frame alignment signal defined in a framed data of a digital hierarchy signal {col.1, lines 22–27; col.2, lines 19–23} and a second circuit (evaluation circuit 3, fig.3).

Keller does not explicitly disclose the second circuit (evaluation circuit 3, fig.3) that excludes the input data having an improper start point based on a frame start point detecting value, and that outputs reframed data having a normal frame format.

However, in the same field of endeavor, Hernandez–Valencia (6,266,327) discloses excluding the input data (frame) having an improper start point based on a frame start point detecting value {col.2, lines 57–60; col.9, lines 38–42}, and that outputs reframed data having a normal frame format {col.9, lines 21–22}.

Therefore, it would have been obvious to an artisan to apply Hernandez–Valencia's teaching to Keller's system with the motivation being to maximize

Art Unit: 2665

data transmission and traffic on the network by not transmitting the non-conforming frame.

Regarding claim 32:

Keller further discloses wherein the frame alignment signal is a 12-bit signal {col.4, lines 3-6; fig.2}.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chopping (6,442,163) in view of Hernandez-Valencia (6,266,327).

Regarding claim 12:

Chopping does not explicitly disclose a detector that checks first constant bits inputted on a frame start pulse location of the framed data, and generates one of a releasing enable signal or a declaring enable signal based on the first constant bits.

However, in the same field of endeavor, Hernandez-Valencia discloses checking first constant bits (PTI) inputted on a frame start pulse location (header) of the framed data, and generates one of a releasing enable signal

Art Unit: 2665

(conformance) or a declaring enable signal based on the first constant bits {col.9, lines 1-7, 38-42}. Therefore, it would have been obvious to an artisan to apply Hernandez-Valencia's teaching into Chopping's system with the motivation being to maximize data transmission and traffic on the network by not transmitting the non-conforming frame.

Allowable Subject Matter

6. Claims 2-10, 13-20, 31, 33-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 22-29 are allowed over the prior art of the record.

Response to Arguments

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2665

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 703-305-0093. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 3:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



Phuongchau Ba Nguyen
Examiner
Art Unit 2665

August 25, 2003